

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA,
CLARKSBURG DIVISION

WEST VIRGINIA UNIVERSITY)
HOSPITALS, INC., UNITED HOSPITAL)
CENTER, INC., WEST VIRGINIA)
UNIVERSITY HOSPITALS-EAST, INC.,)
CITY HOSPITAL FOUNDATION, INC.,)
and WEST VIRGINIA UNITED HEALTH)
SYSTEM, INC.,)

Plaintiffs,)

v.)

UBS FINANCIAL SERVICES, INC. and UBS)
SECURITIES, L.L.C.,)

Defendants.)

Civil Action No. 1:10-cv-00097-FPS

JOINT STIPULATION

WHEREAS, in addition to filing this case, Plaintiffs West Virginia University Hospitals, Inc., United Hospital Center, Inc., West Virginia University Hospitals-East, Inc., City Hospital Foundation, Inc., and West Virginia United Health System, Inc. (collectively "WVUH") filed an arbitration against defendants UBS Financial Services, Inc. and UBS Securities LLC (collectively "UBS"), involving the same issues, with the Financial Industry Regulatory Authority ("FINRA") on February 12, 2010; and

WHEREAS, UBS has filed an action captioned *UBS Financial Services, Inc. and UBS Securities LLC v. West Virginia University Hospitals, Inc., United Hospital Center, Inc., West Virginia University Hospitals-East, Inc., City Hospital Foundation, Inc., and*

West Virginia United Health System, Inc., 10 CV 4298 (VM) in the United States District Court for the Southern District of New York (the “New York Action”) that seeks, among other things, a ruling that the parties’ dispute is not arbitrable under the FINRA rules, an injunction barring the FINRA arbitration, and a ruling that the parties’ dispute can only be heard in New York pursuant to certain choice of forum agreements; and

WHEREAS, certain key issues raised regarding the arbitrability of this dispute under the FINRA rules, and the venue of any FINRA arbitration, are likely to be addressed by the United States Court of Appeals for the Second Circuit in a pending appeal captioned *JP Morgan Securities, Inc. v. Louisiana Citizens Property Insurance Corp.*, 10-2183, and WVUH and UBS have agreed to stay WVUH’s deadline to answer in the New York Action until 30 days after the docketing of the merits opinion in that appeal; and

WHEREAS, WVUH and UBS agree it would not be efficient to engage in any proceedings in this action at least until the Second Circuit rules in the JP Morgan case;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED that UBS’s deadline to answer in this case is stayed until 30 days after the docketing of any order by the United States District Court for the Southern District of New York denying on the merits UBS’s motion for a preliminary injunction in the New York Action. This stay is without prejudice to UBS’s right to appeal that order, or to contest the jurisdiction or venue of this action. Each of the parties reserves the right to apply to this Court for an order lifting the stay at an earlier date upon a showing of good cause.

[signature page follows]

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Dated: June 29, 2010

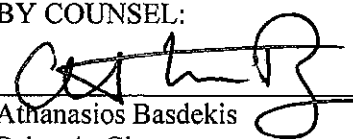
WEST VIRGINIA UNIVERSITY
HOSPITALS, INC., UNITED
HOSPITAL CENTER, INC., WEST
VIRGINIA UNIVERSITY
HOSPITALS-EAST, INC., CITY
HOSPITAL FOUNDATION, INC., and
WEST VIRGINIA UNITED HEALTH
SYSTEM, INC.,

UBS FINANCIAL SERVICES, INC. and
UBS SECURITIES LLC,

Defendants,

Plaintiffs,

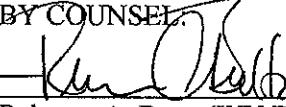
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(applications for admission pro hac vice to
be filed)